(e) Upon and after separation of a RIN from its associated volume of renewable fuel, product transfer documents used to transfer ownership of the volume must meet the requirements of § 80.1453.

(f) Any party that uses a renewable fuel in any application that is not transportation fuel, heating oil, or jet fuel, or designates a renewable fuel for use as something other than transportation fuel, heating oil, or jet fuel, must retire any RINs received with that renewable fuel and report the retired RINs in the applicable reports under § 80.1451.

(g) Any 2009 or 2010 RINs retired pursuant to § 80.1129 because renewable fuel was used in a nonroad vehicle or nonroad engine (except for ocean-going vessels), or as heating oil or jet fuel may be reinstated by the retiring party for sale or use to demonstrate compliance with a 2010 RVO.

[75 FR 14863, Mar. 26, 2010, as amended at 75 FR 26042, May 10, 2010; 77 FR 1355, Jan. 9, 2012]

§ 80.1430 Requirements for exporters of renewable fuels.

(a) Any party that owns any amount of renewable fuel, whether in its neat form or blended with gasoline or diesel, that is exported from any of the regions described in § 80.1426(b) shall acquire sufficient RINs to comply with all applicable Renewable Volume Obligations under paragraphs (b) through (e) of this section representing the exported renewable fuel.

(b) *Renewable Volume Obligations.* An exporter of renewable fuel shall determine its Renewable Volume Obligations from the volumes of the renewable fuel exported.

(1) *Cellulosic biofuel.*

$$RVO_{CB,i} = \Sigma(VOL_k * EV_k)_i + D_{CB,i-1}$$

Where:

$RVO_{CB,i}$ = The Renewable Volume Obligation for cellulosic biofuel for the exporter for calendar year i, in gallons.
k = A discrete volume of exported renewable fuel.
VOL_k = The standardized volume of discrete volume k of exported renewable fuel that the exporter knows or has reason to know is cellulosic biofuel, in gallons, calculated in accordance with § 80.1426(f)(8).
EV_k = The equivalence value associated with discrete volume k.
Σ = Sum involving all volumes of cellulosic biofuel exported.
$D_{CB,i-1}$ = Deficit carryover from the previous year for cellulosic biofuel, in gallons.

(2) *Biomass-based diesel.*

$$RVO_{BBD,i} = \Sigma(VOL_k * EV_k)_i + D_{BBD,i-1}$$

Where:

$RVO_{BBD,i}$ = The Renewable Volume Obligation for biomass-based diesel for the exporter for calendar year i, in gallons.
k = A discrete volume of exported renewable fuel.
VOL_k = The standardized volume of discrete volume k of exported renewable fuel that is biodiesel or renewable diesel, in gallons, calculated in accordance with § 80.1426(f)(8).
EV_k = The equivalence value associated with discrete volume k.
Σ = Sum involving all volumes of biodiesel or renewable diesel exported.
$D_{BBD,i-1}$ = Deficit carryover from the previous year for biomass-based diesel, in gallons.

(3) *Advanced biofuel.*

$$RVO_{AB,i} = \Sigma(VOL_k * EV_k)_i + D_{AB,i-1}$$

Where:

$RVO_{AB,i}$ = The Renewable Volume Obligation for advanced biofuel for the exporter for calendar year i, in gallons.
k = A discrete volume of exported renewable fuel.
VOL_k = The standardized volume of discrete volume k of exported renewable fuel that is biodiesel or renewable diesel, or that the exporter knows or has reason to know is cellulosic biofuel or advanced biofuel, in gallons, calculated in accordance with § 80.1426(f)(8).
EV_k = The equivalence value associated with discrete volume k.
Σ = Sum involving all volumes of advanced biofuel exported.
$D_{AB,i-1}$ = Deficit carryover from the previous year for advanced biofuel, in gallons.

(4) *Renewable fuel.*

$$RVO_{RF,i} = \Sigma(VOL_k * EV_k)_i + D_{RF,i-1}$$

Where:

$RVO_{RF,i}$ = The Renewable Volume Obligation for renewable fuel for the exporter for calendar year i, in gallons.
k = A discrete volume of exported renewable fuel.
VOL_k = The standardized volume of discrete volume k of any exported renewable fuel, in gallons, calculated in accordance with § 80.1426(f)(8).
EV_k = The equivalence value associated with discrete volume k.

Σ = Sum involving all volumes of renewable fuel exported.

$D_{RF,i-1}$ = Deficit carryover from the previous year for renewable fuel, in gallons.

(c) If the exporter knows or has reason to know that a volume of exported renewable fuel is cellulosic diesel, he must treat the exported volume as either cellulosic biofuel or biomass-based diesel when determining his Renewable Volume Obligations pursuant to paragraph (b) of this section.

(d) For the purposes of calculating the Renewable Volume Obligations:

(1) If the equivalence value for a volume of exported renewable fuel can be determined pursuant to §80.1415 based on its composition, then the appropriate equivalence value shall be used in the calculation of the exporter's Renewable Volume Obligations under paragraph (b) of this section.

(2) If the category of the exported renewable fuel is known to be biomass-based diesel but the composition is unknown, the value of EV_k shall be 1.5.

(3) If neither the category nor composition of a volume of exported renewable fuel can be determined, the value of EV_k shall be 1.0.

(e) For renewable fuels that are in the form of a blend with gasoline or diesel at the time of export, the exporter shall determine the volume of exported renewable fuel based on one of the following:

(1) Information from the supplier of the blend of the concentration of renewable fuel in the blend.

(2) Determination of the renewable portion of the blend using Method B or Method C of ASTM D 6866 (incorporated by reference, see §80.1468), or an alternative test method as approved by the EPA.

(3) Assuming the maximum concentration of the renewable fuel in the blend as allowed by law and/or regulation.

(f) Each exporter of renewable fuel must demonstrate compliance with its RVOs pursuant to §80.1427.

[75 FR 14863, Mar. 26, 2010, as amended at 75 FR 26042, May 10, 2010]

§80.1431 Treatment of invalid RINs.

(a) *Invalid RINs.*

(1) An invalid RIN is a RIN that is any of the following:

(i) A duplicate of a valid RIN.

(ii) Was based on incorrect volumes or volumes that have not been standardized to 60 °F.

(iii) Has expired, as provided in §80.1428(c).

(iv) Was based on an incorrect equivalence value.

(v) Deemed invalid under §80.1467(g).

(vi) Does not represent renewable fuel as defined in §80.1401.

(vii) Was assigned an incorrect ''D'' code value under §80.1426(f) for the associated volume of fuel.

(viii) Was improperly separated pursuant to §80.1429.

(ix) Was otherwise improperly generated.

(2) In the event that the same RIN is transferred to two or more parties, all such RINs are deemed invalid, unless EPA in its sole discretion determines that some portion of these RINs is valid.

(b) In the case of RINs that are invalid, the following provisions apply:

(1) Upon determination by any party that RINs owned are invalid, the party must keep copies and adjust its records, reports, and compliance calculations in which the invalid RINs were used. The party must retire the invalid RINs in the applicable RIN transaction reports under §80.1451(c)(2) for the quarter in which the RINs were determined to be invalid.

(2) Invalid RINs cannot be used to achieve compliance with the Renewable Volume Obligations of an obligated party or exporter, regardless of the party's good faith belief that the RINs were valid at the time they were acquired.

(3) Any valid RINs remaining after invalid RINs are retired must first be applied to correct the transfer of invalid RINs to another party before applying the valid RINs to meet the party's Renewable Volume Obligations at the end of the compliance year.

(c) Notwithstanding paragraph (b) of this section, improperly generated RINs may be used for compliance provided that all of the following conditions and requirements are satisfied and the renewable fuel producer or importer who improperly generated the RINs demonstrates that the conditions and requirements are satisfied through